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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,538	05/25/2007	Ralf Brederlow	V0195.0080	1303

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EXAMINER

NGUYEN, LONG T

ART UNIT	PAPER NUMBER
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2816

MAIL DATE	DELIVERY MODE
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06/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,538	Applicant(s) BREDERLOW ET AL.	
	Examiner LONG NGUYEN	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-55 is/are pending in the application.
- 4a) Of the above claim(s) 27,31,37,43-47 and 49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25,26,28-30,32-36,38-42,48 and 50-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/13/07</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Election/Restrictions***

1. Applicant's election without traverse of specie 21 (Figure 34B) in the reply filed on 3/5/09 is acknowledged. Applicant indicates that claims 25, 26, 28-30, 32-36, 38-42, 48, and 50-55 are readable in the elected specie 21 (Figure 34B).

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 25, 26, 28-30, 32-36, 38-42, 48, and 50-55 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 30-59 of copending Application No. 10/570,924. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 30-59 of the copending application 10/570,924 teaches a transistor arrangement comprising a first and second field effect transistors, each having a source terminal, a drain terminal, and a control terminal, wherein the

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control terminal of each transistor is alternatively receives first and second signal as claimed in the instant application. Claims 30-59 of the copending application 10/570,924 does not teach the transistor arrangement comprising a clock generator unit for controlling the connection of the control terminal of each transistor alternatively connected to the first and second signals.

However, the use of clock control circuit to generate clock signals to control the switching is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transistor arrangement in claims 30-59 of copending application 10/570,924 by using a clock generator unit for generating clock signals to control the switching so that the control terminal of each of the transistors in the arrangement is alternatively connected to the first and second signals because the use of clock circuitry to control the switching is old and well known in the art.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 25, 26, 28-30, 32-36, 38-42, 48, and 54-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 25, the recitation “a clock generator unit, which is coupled to the field effect transistors such that the clock generator unit provides the first signal and the second signal” recited on lines 8-9 is misdescriptive because it is inconsistent with the operation of the circuitry.

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As clearly shown in Figure 34B, the clock generator unit (unit generates clock signals $\Phi 1$, $\Phi 2$, ... Φn) only generates the clock signals $\Phi 1$, $\Phi 2$, ... Φn to control the switching of the switches 3412a-3412c so as the gates 3404a-3404c alternatively switches between first signal 3414 and second signal 3411. Thus, the clock generator unit (unit generates clock signals $\Phi 1$, $\Phi 2$, ... Φn) does not coupled to the field effect transistors as recited in the claim. Further, as also discussed the clock generator unit generates clock signals $\Phi 1$, $\Phi 2$, ... Φn , and it does not provide/generate first and second signals as also claimed. Further, the recitation “applies the first signal ... second field effect transistor, and applies the second signal to of the second field effect transistor” on the last 4 lines of the claim is indefinite because it fails to provide any means for performing such above steps, so the above steps recites in the last 4 lines of the claim are method steps, and thus causes the claim to be indefinite because it is not clear how claim 25 which is an apparatus claim also contains method steps therein. Clarification and/or appropriate correction is requested.

Claims 26, 28-30, 32-36, 38-42 and 48 are indefinite because they include the indefiniteness of claim 25 above.

In claim 35, “can be” recited in the claim is indefinite because “can” is not a positive recitation of the invention. Appropriate correction is requested.

In claim 36, “can be” recited in the claim is indefinite because “can” is not a positive recitation of the invention. Further, the recitation “it is possible, by means Alternating frequency” on the last 3 lines of the claim is indefinite because it is not clear and it is not defined what applicant means by “it is possible”. Clarification and/or appropriate correction is requested.

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In claim 38, “and/or” is indefinite because it is not clear whether it means “and” or whether it means “or”. Clarification and/or appropriate correction is requested.

In claim 41, “it provides the signals” is indefinite because it is not clear what “it” refers to. If “it” refers to the clock generator unit, then the above recitation also is indefinite for the similar reasons as discussed in claim 25 above.

In claim 42, the recitation “it prescribes the clock signals” is indefinite for the same reasons as discussed in claim 41 above. Also, “and/or” is indefinite because it is not clear whether it means “and” or whether it means “or”.

In claims 54 and 55, “and/or” is indefinite because it is not clear whether it means “and” or whether it means “or”.

Allowable Subject Matter

6. Claims 50-53 would be allowed upon filing a proper Terminal Disclaimer. Claims 54 and 55 would also be allowed (because they depend on claim 50) upon amended to overcome the indefinite problem above.

Conclusion

7. Because the scope of independent claim 25 cannot be determined due to the indefinite problems as discussed above, so no prior art can be applied against claims 25, 26, 28-30, 32-36, 38-42, and 48 at this time. Note that this is not an indication of allowability.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directly to Examiner Long Nguyen whose telephone number is (571) 272-1753. The Examiner can normally be reached on Monday to Thursday from 8:00am to 6:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan, can be reached at (571) 272-1988. The fax number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Long Nguyen/
Primary Examiner
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